

## **MINUTES**

### **TENNESSEE BOARD OF DENTISTRY**

**Date:** May 25 and 26, 2006

**Location:** Millennium Maxwell House Hotel  
2025 Metro Center Blvd  
Nashville, TN 37228

**Members Present:** Eben A DeArmond, Jr., D.D.S., President  
Jeffrey Clark, D.D.S., Vice-President  
Harold L Fitts, D.D.S., Secretary/Treasurer  
Beth Casey, R.D.H.  
Katherine Cherry, R.D.H.  
John Douglass, D.D.S.  
Betty Gail Fox, R.D.A.  
Joe C Greer, D.D.S.  
James Smith, D.D.S.  
Michael Tabor, D.D.S.,  
Agnes S Young, Consumer Member

**Staff Present:** Dea Smith, Board Executive Director  
Tammy Roehrich, Administrator  
Ernie Sykes, Advisory Attorney  
Robbie Bell, Director of Health Related Boards

Dr. Eben A. DeArmond, Board president, called the meeting to order at 9:05 a.m. Dr. DeArmond determined that a quorum was present in order to conduct Board business.

#### **Conflict of Interest Policy**

The Board members were asked to read the Conflict of Interest Policy by Dr. DeArmond. Dr. DeArmond also reminded members that if they have not signed the policy to please do so before the end of the meeting and give it to Ms. Dea Smith.

#### **General Discussion**

Ms. Robbie Bell, Director of Health Related Boards introduced Ms. Smith as the new Executive Director for the Tennessee Board of Dentistry. Ms. Smith will replace the former Executive Director Paul David.

## **Minutes**

Dr. Douglass made a motion to accept the minutes from the January 26, 2006 meeting with corrections to page four under Flowable Composite. The word “changed” should be “charged”. Ms. Casey seconded the motion. The motion carried.

## **Division Directors Report**

Ms. Bell explained to the Board that Health Related Boards are in the process of moving out of the Cordell Hull Building and that the Cumberland Room has been converted to a call center for TennCare. The expected date for the move is June 14, 2006. We will be moving to 227 French Landing Ste. 300, Heritage Place Metro Center, Nashville, TN 37243. All phone numbers will remain the same.

## **Executive Director Report**

Ms. Smith explained to the Board that we have a new administrator for the Board. His name is Dave Hoffman and he took Carla McCord’s place. Ms. Smith also informed the Board that the investigations reviews are up to date and that reviews are normally schedule at least twice a month. Travel claims must have original documentation and should be turned in to the administrative office within thirty days of the meeting. We will not turn the travel claim forms in until all have been received.

Ms. Smith also reviews with the board a statistics report from January 1, 2006 thru April 30, 2006. The number of new applications received during this timeframe are as follows; Dentist 34, Hygienists 42 and Dental Assistants 296. We have issued licenses for 23 Dentists, 39 Hygienists and 152 Dental Assistants. There have been certifications and permits issued for conscious sedation permits, specialty permits, registry certification, administration of nitrous oxide for hygienists and sealants, and monitoring nitrous oxide for assistants. The total number is 15 for Dentists, 62 for Hygienists and 220 for Dental Assistants.

The total number of active Dentists as of April 30, 2006 is 3,347, for Hygienists 3,448 and for Dental Assistant the number is 4,625.

There is also a report for the Board’s review concerning graduation statistics and the number of students that register with the Board to sit for the exam from December 2004 thru May 12, 2006. The total number of graduates for this timeframe is 1,081, and of this number only 622 have applied for license, 459 have not and 335 are registered. Included with this report is a copy of the Taskforce on Workforce Model 2005 that was a result of the meeting for Southern Deans and Dental Examiners that was held in Memphis, TN in January.

## **Financial Report**

Ms. Smith gave the financial report to the Board and explained that it is the same report that was given at the January meeting. There will be an updated financial report for the September 21 and 22, 2006 meeting.

### **Office of General Counsel**

Mr. Ernie Sykes, Advisory Attorney, read his report to the Board and explained that there are 69 open disciplinary cases in the Office of General Counsel. Mr. Sykes also explained that the rules for Volunteer Practice, Specialty Certification, and Dental Assistant Exam Procedures went into effect on March 1, 2006. The rule that pertains to Criminal Background Checks will go into effect on May 31, 2006 and the rule that pertains to Screening Panels, PC-PLLC's, and the Deletion of Two Regional Exams will go into effect June 19, 2006, The rule for Approved CE Providers, and Requirement ACLS to Sedate is still in the State Attorney General's Office.

### **Office of Investigations**

Ms. Denise Moran, Director of the Office of Investigations, gave the report and explained to the Board the changes that have been made in that office. Ms. Moran has hired a number of new investigators who are clinically qualified and have instituted a rotational training system within the workshops that will allow different professional to come for the training. Ms. Moran is recruiting RN's with bachelors and master degrees with most of their experience being in the emergency room, critical care and some surgery or recovery room experience. Ms. Moran also stated that she will be contacting Dr. Morris Robbins to come in or to recommend someone to do training on the clinical issues that are pertinent to the dental office.

### **Disciplinary Report**

Ms. Lea Phelps gave the disciplinary report and explained to the Board about the cases that she is currently monitoring but cannot tell the Board if those individuals are in compliance with their Board Orders. Those individuals not in compliance can turn into contested cases. The Office of Investigations has collected \$31,327 in civil penalties and case costs.

### **Concerned Dental Professional Committee(CDPC)**

Ms. Smith informed the Board that the contract with the Concerned Dental Professional Committee was up from renewal and asked if the Board would like to discuss any amendments to the contract. Dr. McElhiney, Director for the CDPC, did not have any requests for changes with the contract. Ms. Bell informed the Board that the only changes that need to be added to the contract that the word "advocacy" is defined the same as with all other impaired professional contracts. When Dr. McElhiney comes before the Board stating that he is advocating for someone, that it means that it is based upon all the information they have that the person is safe to practice in the State of Tennessee.

### **Correspondence**

Ms. Smith referred the Board to the correspondence that has been received in the administrative office for review by the Board. The American Dental Association (ADA) sent information about the National Board Test Administration.

Ms. Casey informed the Board that the Board as a whole is a member of the American Association of Dental Examiners (AADE), but in order for an individual representing the Board to have a vote, that representative must have paid for individual membership. Ms. Casey states that the Board has two issues going on with the AADE and that is if the Board wants to continue as a State member and if the Board wants to fund membership for one or more Board members to attend the meetings so that they will have voting privileges. After discussion, Dr. Clark made a motion for the Board to pay for two Board members individual memberships to the AADE so that they may have voting privileges. Ms. Fox seconded the motion. The motion carried. Dr. Clark made a motion that Ms. Casey and Dr. Greer represent the Board at the next AADE meeting scheduled for October 2006. Ms. Cherry seconded the motion. The motion carried.

### **Clinical Issues Committee**

Dr. Clark made a motion to accept the Committee's recommendation as a policy statement that that dental assistants not be allowed to probe and record pocket depths on a patient. Dr. Douglass seconded the motion. The motion carried.

Ms. Casey asked for clarification on the Board's opinion for the use of Botox, Restylane, and Derma Fillers and if they are within the scope of practice. After discussion, Dr. Clark made the motion to table this issue until the next scheduled meeting date September 21 and 22, 2006. Ms. Fox seconded the motion. The motion carried.

### **Consideration of California Exam**

Ms. Smith explained to the Board that an applicant had applied for licensure by criteria as a dentist in the State of Tennessee and submitted along with his application a copy of the 2004 California Exam. Dr. Douglass made a motion to accept the 2004 California Examination as satisfactory for the requirements for licensure as a dentist in the State of Tennessee. Dr. Smith seconded the motion. The motion carried.

### **Dental Assisting National Board Report (DANB)**

Ms. Smith presented the Dental Assisting National Board Report (DANB) to the Board. The report shows the passing rate on the registration exam for Tennessee applicants but did not show the passing rates on the certification exam.

### **Rules**

Dr. DeArmond suggested that by a motion, the Board deal with the rulemaking package as they pertain to each rule and not at the same time. Dr. Fitts made a motion to hear the proposed rules on each individual issue with discussion and a motion before moving to the next issue. Dr. Clark seconded the motion. The motion carried.

Ms. Bell explained to the Board that they were up for Sunset Review by the Legislation. As part of the review, the Board of Dentistry was audited by the State of Tennessee Internal Audit Division. Once the audit was completed it is reviewed by the House and the Senate. At the

Sunset hearing the board representatives, including Ms. Bell, were questioned about the Board Rule 0460-4-.01 that pertains to the dental assistants, which had gone to rulemaking hearing March 21, 2006. The Joint Committee recommended that the Board of Dentistry be extended for only one year instead of four years. Once the recommendation left the Joint Committee, the board representatives, including Ms. Bell, had to meet with the House and the Senate individually. The discussion was the same in both meetings with the concern about the educational programs and testing for the Dental Assistants. Both the House and Senate upheld the Joint Committees recommendation that the Board of Dentistry be extended for only one year.

Mr. Sykes gave a brief overview of the rules that were in the rulemaking hearing held on March 21, 2006, as a refresher. Dr. DeArmond opened the discussion with audience participation. After discussion, Dr. Douglass made the motion to accept the rules from the rulemaking hearing that was held on March 21, 2006. Dr. Smith seconded the motion. Ms. Casey made a motion to amend the original motion to include consideration of the rules proposed as a compromise rule by the Department of Health Related Boards. Ms. Fox seconded the motion. Roll call vote ended in a tie and Dr. DeArmond, had the deciding vote in order to break the tie. Dr. DeArmond voted in favor of the motion to review the compromise rules. After discussion of the compromise rule along with modifications, Ms. Casey made the motion to accept the compromise rule with modification. Ms. Fox seconded the motion. The motion carried. The roll call vote was negative. The motion for the Board to accept the compromise rule with modifications was denied. Dr. Douglass original motion to accept the rules from the rulemaking hearing and seconded by Dr. Tabor was once again opened for discussion. After discussion, Dr. Greer made a motion to amend the rule to grandfather in radiology certification credentials for dental assistants who hold registration or certification as dental assistants on the date the rule becomes effective without requiring them to take the radiology certification course since radiology is currently part of being a registered dental assistant. Dr. Clark seconded the motion. The motion carried. The roll call vote carried with the majority voting affirmative.

Mr. Kosten informed the Board that the next rules up for discussion consists of- seeking to exempt several school based prevention programs from having to have some of the normally required equipment of mobile clinics; remove the duty of the holding and removal of impression material as being a delegable duty; to implement some legislation from 2004 to allow Dentists to delegate the administration of local anesthesia to dental hygienists; requiring Dental Hygienists and Dental Assistants to possess two years of continuous full-time employment in order to qualify for certification and restorative and prosthetic procedures. Ms. Clark made a motion to amend rule 0460-5-.02 (6) (ii)(f) to change the passing grade on each competency examination for local anesthesia to seventy percent (70%). Ms. Fox seconded the motion. The motion carried. The roll call vote was in the affirmative. After discussion, Dr. Fitts made the motion to accept the proposed rules with modifications. Dr. Clark seconded the motion. The roll call vote was in the affirmative.

### **Order of Compliance**

Ms. Phelps presented the Order of Compliance for Dr. McIlwain to the Board and explained that Dr. McIlwain has met all the requirements in to be in compliance. Dr. McIlwain was present and

represented by Dan Warlick. After discussion, Dr. Clark made a motion to accept the Order of Compliance. Dr. Fitts seconded the motion. The motion carried.

### **Board Appearance**

Ms. Phelps introduced Donna Pearson to the Board. Ms. Pearson has a Board Order that requires her to come before the Board every year. Ms. Pearson informed the Board that she is still in compliance with the Board Order. Ms. Phelps monitors Ms. Pearson progress and has received information from CDPC that Ms. Pearson's is in compliance. Ms. Pearson will be required to appear before the Board again next year.

Ms. Phelps called for Dr. Lawrence Trivette to come before the Board. Dr. Trivette was not present.

### **Applicant Interview**

**Sherry Adams, RDA-** Ms. Adams applied for licensure as a Registered Dental Assistant with the State of Tennessee. Ms. Adams criminal background check came back with a conviction for Driving Under the Influence (DUI) on June 28, 2006. Ms. Adams is on a one year probation and has had her driver's license revoked for one year. Ms. Adams has attended DUI school as part of her sentencing. Dr. Clark made the motion to accept Ms. Adams application for approval for licensure as a Registered Dental Assistant. Dr. Fitts seconded the motion. The motion carried.

**Robert Laurence Yeager, RDH-** Mr. Yeager is applying for licensure as Dental Hygienists in the State of Tennessee. Mr. Yeager has not practiced in four years due to medical reasons and his SRTA exam is more than five years old. Mr. Yeager explained his medical conditions to the Board and that he has completed physical therapy. Dr. Clark made a motion to accept Mr. Yeager's application for approval for licensure as Dental Hygienist. Ms. Casey seconded the motion. The motion carried.

### **Ratifications**

Dr. Clark made a motion to accept the newly licensed dentists, educational licenses, limited licenses, specialty certifications, permits for limited and comprehensive conscious sedation, and deep sedation/general anesthesia, reinstatements, reactivations, retirements and ratification of one deep sedation/general anesthesia permit that was mistakenly left off the list in 2003. Dr. Fitts seconded the motion. The motion carried.

Dr. Clark made a motion to accept the newly licensed dental hygienists, reinstatements, reactivations, certifications, volunteered retired and included Ms. Kiser request for a waiver of the examination due to reactivation of her licensure as a Dental Hygienists.. Ms. Cherry seconded the motion. The motion carried.

Dr. Douglass made a motion to accept the newly licensed dental assistants, reinstatements, reactivations, certifications and volunteered retired. Dr. Clark seconded the motion. The motion carried.

### **Approval of Continuing Education Courses**

Ms. Casey made a motion to accept the following for approval of the continuing education courses; Four Aspects of Periodontal Treatment- Ronald F Godat, DDS (1.5 hrs), Teamwork in Dental Implant Treatment Planning- Lee Ann Hovious, DMD, PC (2hrs), Periodontal Disease & Medical Complications- Michael Perry, DMD, MS (3hrs), and When to Refer- Dr. Ronald F Godat (.5hrs). These courses have been reviewed and approved by the consultant. Dr. Clark seconded the motion. The motion carried.

### **Approval of Continuing Education Courses submitted by Individuals**

Ms. Kamie Lee, RDH submitted a request approval of Extreme Hygiene Makeover continuing education course. The course is 5.5 hours in length. The course have been reviewed and approved by the consultant. Ms. Casey made a motion to approve the request for the continuing education credits from Extreme Hygiene Makeover. Dr. Greer seconded the motion. The motion carried.

### **Approval of Conscious Sedation Course**

Ms. Smith presented to the Board correspondence from the Dental Organization for Conscious Sedation (DOCS). The DOCS has changed the name of the course from Anxiolysis Beyond Valium and Adult Oral Sedation seminars to Oral Sedation Dentistry (OSD) effective March 2006. The course is 22.5 hours long and will last 3 days. The content of the material has not changed. Dr. Fitts made a motion to accept the name change from Anxiolysis beyond Valium and Adult Oral Sedation seminars to Oral Sedation Dentistry. Dr. Smith seconded the motion. The motion carried.

### **Approval of Certification Courses**

Elenora Woods Professional Career Training Center at Chattanooga, TN is applying for a coronal polishing permit. After discussion, Ms. Fox made the motion to table this request for approval of the certification course in Coronal Polishing until the next scheduled meeting to be held on September 21 and 22, 2006, along with the request for a copy of the curriculum and syllabus from the Elenora Woods Professional Career Training Center. Dr. Clark seconded the motion. The motion carried.

Apollo College Dental Hygiene Program is requesting approval for the continuing education program entitled DH 236 Pain Management which instructs students in local anesthesia and nitrous oxide-oxygen anesthesia. Ms. Smith informed the Board that this course is ADA accredited. Ms. Casey made a motion to approve the program submitted by Apollo College, DH 236 Pain Management for the administration and monitoring of nitrous oxide certification. Dr. Clark seconded the motion. The motion carried.

### **Consent Orders from Screening Panel**

**Rudy W Young, DDS-**Dr. Young is charged with violating T.C.A. 63-50124(a)(1), which prohibits unprofessional, dishonorable or unethical conduct, T.C.A. 63-5-124(a)(5) which prohibits habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the person's ability to practice dentistry; T.C.A. 63-5-124 (a)(8) which prohibits dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; T.C.A. 63-5-124 (a)(18) which prohibits any unprofessional or unethical conduct that is specified in Board rules; Rule 0460-10.12 (19), Tenn. Comp. R. & Regs., which prohibits prescribing controlled substances for a habitual drug users in the absence of substantial dental justification; and Rule 0460-1-.12 (20), Tenn. Comp. R. & Regs., which prohibits prescribing drugs for other than legitimate dental purpose.

Dr. Young has consent to having his license suspended, enter a treatment and monitoring program with the Concerned Dental Professional Committee (CDPC), Dr. Young must submitted or have CDPC submit monthly treatment and evaluation reports, attend the Vanderbilt University course on overprescribing and submitted documentation to the Board that he has taken and completed the course, and have his DEA license revoked. The suspension of Dr. Young's license to practice Dentistry in the State of Tennessee is not eligible to be lifted until and unless such time as the CDPC certifies in writing directly to the Board that it is appropriate for him to resume the practice of Dentistry and all other conditions have been met. Dr. Young will also be required to appear before the Board to request that the suspension be lifted. If and when, Dr. Young license to practice Dentistry in the State of Tennessee is reinstated, his license will then be placed on probation for a period of ten years during which he must not attempt to reinstate or otherwise reacquire his DEA license and he must submit quarterly reports of his drug treatment and/or status to the Board. Ms. Fox made a motion to accept the consent order for Dr. Rudy W Young, DDS. Dr. Greer seconded the motion. The motion carried.

**MAY 26, 2006**

### **Consent Orders**

**Christine Lee Getman, DDS-**Dr. Getman is charged with unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; violation of reporting requirements. Dr. Getman license as a Dentist in the State of Tennessee was reprimanded and she was assessed \$3,000.00 in civil penalties. Dr. Clark made a motion to accept the Consent Order as presented. Dr. Fitts seconded the motion. The motion carried.

**Wade B Harrouff, DDS-** Dr. Harrouff is charged with unprofessional, dishonorable or unethical conduct; due to action taken by the State of Florida Board of Dentistry. Dr. Harrouff licensed as a Dentist in the State of Tennessee was reprimanded, he was assessed \$500.00 in civil penalties



and assessed case cost. Dr. Fitts made a motion to accept the Consent Order as presented. Dr. Douglass seconded the motion. The motion carried.

**Donald N Meyers, DDS-** Dr. Meyers is charged with permitting unregistered persons to perform the services of a registered dental assistant. Dr. Meyers licensed was reprimanded and he was assessed case cost. Dr. Clark made a motion to accept the Consent Order as presented. Ms. Fox seconded the motion. The motion carried.

**Ulysses Walls, DDS-** Dr. Walls is charged with unprofessional, dishonorable or unethical conduct. Dr. Walls license to practice have been expired since March 31, 2002. Dr. Walls license was placed on probation for one year, assessed \$1,000.00 in civil penalties and assessed case cost. Dr. Fitts made a motion to accept the Consent Order as presented. Dr. Greer seconded the motion. The motion carried.

### **Letters of Reprimand**

**Sandra S Davis, RDA-** Ms. Davis is charged with practicing on an expired license. Ms. Davis license was reprimanded, assessed \$500.00 in civil penalties and assessed case cost. Dr. Clark made a motion to accept the Letter of Reprimand as presented. Dr. Douglass seconded the motion. The motion carried.

**Sharon Shettlesworth, RDA-** Ms. Shettlesworth is charged with practicing on an expired license. Ms. Shettlesworth license was reprimanded and she was assessed \$1,000.00 in civil penalties. Dr. Fitts made a motion to accept the Letter of Reprimand as presented. Dr. Douglass seconded the motion. The motion carried.

**Kurt Randall Childress, DMD-** Dr. Childress is charged with failure to comply with a previous Board order. Dr. Childress licensed was reprimanded, required to pay an additional \$100.00, and assessed case costs. Dr. Greer made the motion to accept the Letter of Reprimand. Dr. Douglass seconded the motion. The motion carried.

**Kim A Smiley, DDS-** Dr. Smiley is charged with unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee. Dr. Smiley license was reprimanded and she must attend continuing education course. Dr. Smiley is also required to pay \$1,000.00 in civil penalties and assessed case costs. Dr. Fitts made a motion to accept the Letter of Reprimand as presented. Dr. Douglass seconded the motion. The motion carried.

### **Agreed Orders**

**Angela Christine Elder, RDA-** Ms. Elder is charged with unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee; making or signing in one's professional capacity any certificate that is know to be false at the time one makes or signs such

certificate. Ms. Elder's license was placed on probation for five years, she must complete an ethics course. Ms. Elder was also assessed \$500.00 in civil penalties and assessed case costs. Dr. Douglass made a motion to accept the Agreed Order as presented. Dr. Fitts seconded the motion. The motion carried with Ms. Fox being recused.

**Perry E Thomas, DDS-** Dr. Thomas is charged with unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee; make false or misleading statements or representations, being guilty of fraud or deceit in obtain admission to practice; or in being guilty of fraud or deceit in the practice of Dentistry. Dr. Thomas surrendered his license and was assessed case costs. Dr. Douglass made a motion to accept the Agreed Order as presented. Dr. Fitts seconded the motion. The motion carried.

**Kent E White, DDS-** Dr. White is charged with unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee; making false or misleading statements or representations, being guilty of fraud or deceit in obtain admission to practice; or in being guilty of fraud or deceit in the practice of Dentistry; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice Dentistry; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course or professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; engaging in the practice of Dentistry when mentally or physically unable to safely do so. Dr. White surrendered his license and was assessed case costs. Dr. Fitts made a motion to accept the Agreed Order as presented. Ms. Cherry seconded the motion. The motion carried.

### **Consent Orders**

**Brian A Lowman, RDH-** Mr. Lowman is charged with unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee; failing to avoid interpersonal relationships that could impair professional judgment or risk the possibility of exploiting the confidence of a patient, including committing any act of sexual abuse, misconduct or exploitation related to the licensee's practice; violation of the American Dental Hygienists' Association Code of Ethics. Mr. Lowman surrendered his license and was assessed case costs. Dr. Clark made a motion to accept the Consent Order as presented. Dr. Fitts seconded the motion. The motion carried.

**Stephen K Valadez, DDS-** Dr. Valadez is charged with unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the

Board, or any criminal statute of the State of Tennessee; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or any not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; practice or offering to practice beyond the scope permitted by law; prescribing drugs for other than legitimate dental purpose. Dr. Valadez surrendered his license and was assessed case costs. Dr. Douglass made a motion to accept the Consent Order as presented. Dr. Clark seconded the motion. The motion carried.

**Edward B Elkins, DDS-** Dr. Elkins is charged with unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of , or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner to adversely affect the person's ability to practice Dentistry; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; engaging in the practice of Dentistry when mentally or physically unable to safely do so; conducting the practice of Dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that can be done legally only by licensed persons; prescribing violations. Dr. Elkins licensed was suspended for no less than six months from the date of the Consent Order, surrender his DEA license, within 30 days of the Consent Order attend and complete the Vanderbilt Comprehensive Assessment Program for Professional (V-CAP) at Vanderbilt University Medical Center. Dr. Elkins shall execute all appropriate releases to allow V-CAP to report the results of the assessment, including recommendation directly to the Board's Director. Dr. Elkins also must gain the advocacy of the Concern Dental Professional Committee (CDPC) within 30 days and execute all appropriate releases directing V-CAP and any other health care providers to provide initial and monthly progress/compliance and any violation of this Consent Order or the terms and conditions of any recommended treatment directly to the Board's Director not less than quarterly throughout the disciplinary period, attend and complete within 12 months from the effective date of the Consent Order, the three day seminar entitled: "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls. This course is given at the Center for Professional Health at Vanderbilt University Medical Center in Nashville, TN. Proof of attendance is required. Also, Dr. Elkins is required to attend and complete within 12 months from the effective date of the Consent Order, the course entitled: "Intensive Course in Medical Record Keeping", which is offered in the "Case School of Medicine" at Case Western Reserve University in Cleveland, OH and provide proof of attendance. Dr. Elkins must appear before the Board to petition the Board to lift the suspension of his license to practice Dentistry in the State of Tennessee and provide proof that he is mentally and physically able to safely practice Dentistry and maintain the advocacy of CDPC and complied with all the terms and conditions of this Consent Order. When the suspension is lifted, Dr. Elkins license will be placed on probation for five years and he has been assessed \$16,000.00 in civil penalties payable within 1 year of the effective date of the Consent Order and assessed case cost. Dr. Clark made a motion to accept the Consent Order as presented. Dr Greer seconded the motion. The motion carried.

**Phillip T Hutcheson III, DDS-**Dr. Hutcheson is charged with unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of , or conspiring to violate, any provision of the chapter or any lawful order of the Board or any criminal statute of the State of Tennessee; making false or misleading statements or representations, being guilty of fraud or deceit in obtain admission to practice; or in being guilty of fraud or deceit in the practice of Dentistry; gross malpractice, ignorance, negligence or incompetence in the course of professional practice; conducting the practice of Dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that can be done legally only by licensed persons; delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure to perform them; failing to maintain an accurate and legible written evaluation and treatment history; prescribing drugs for other than legitimate dental purposes; providing prescriptions for any controlled substances to patients with whom no Dentist/patient relationship has been established; failing to exercise reasonable diligence to prevent partners, associates, and employees from engaging in conduct which would violated any provision of the statutes or rules. Dr. Hutcheson license was placed on probation for three years and he must complete continuing education. Also, Dr. Hutcheson was assessed \$5,000.00 in civil penalties and case costs. Dr. Fitts made a motion to accept the Consent Order as presented. Dr. Douglass seconded the motion. The motion carried.

**James E Collins, II, DDS-** Dr. Collins is charged with unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee; making false or misleading statements or representations; being guilty of fraud or deceit in obtain admission to practice; or in being guilty or fraud or deceit in the practice of Dentistry; out of state action. Dr. Collins license was placed on probation for two years; he must show proof of compliance with Illinois and Georgia Board Orders. Dr. Collins must pay \$500.00 in civil penalties and be assessed case cost. Dr. Fitts made a motion to accept the Consent Order as presented. Dr. Clark seconded the motion. The motion carried.

**Mary Roberts-** Ms. Roberts is charged with practicing without a valid license. Ms. Roberts has been assessed \$1,000.00 in civil penalties and case costs. Dr. Fitts made a motion to accept the Consent Order as presented. Dr. Douglass seconded the motion. The motion carried.

**Leshia F Mathes-** Ms. Mathes is charged with practicing without a valid license. Ms. Mathes has been assessed \$500.00 in civil penalties and assessed case costs. Dr. Clark made a motion to accept the Consent Order as presented. Dr. Fitts seconded the motion. The motion carried.

**James A Dick, DDS-** Dr. Dick is charged with unprofessional, dishonorable and unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of the chapter or any lawful order of the Board, or any criminal statute of the State of Tennessee; gross malpractice, ignorance, negligence or incompetence in the course of professional practice. Dr. Dick license has been suspended for six months to be stayed as long as he is in compliance. His license will then be placed on probation for five years and complete within 30 days from the effective date of the

Order, the Vanderbilt Comprehensive Assessment Program (V-CAP) at the Vanderbilt Medical Center, successfully attend and complete a remedial education program sponsored by Dr. Russell Wicks of the University of Tennessee, College of Dentistry. Dr. Dick must gain advocacy of the Concern Dental Professional Committee (CDPC) within 30 days of this Order and pay case costs. Dr. Fitts made the motion to accept the Consent Order as presented. Dr. Douglass seconded the motion. The motion carried with Dr. DeArmond being recused and Dr. Clark presiding as chair.

Mr. Thomas Miller, Attorney, called for Dr. Lawrence Trivette to come before the Board. Dr. Trivette was not present.

### **Board Meeting Dates**

Ms. Smith asked the Board to set additional meeting dates for fall 2006, if necessary and to schedule meeting dates the calendar year of 2007. After discussion, the Board decided to table the scheduling of meetings until the next scheduled meeting to be held September 21 and 22, 2006. All Board members were requesting to bring their calendars.

A motion was made to adjourn at 10:45 a.m.